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MICHAEL RODAK, JR., CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

____ Term, 1977

No. 77-450

LARRY PRESSLER
Member, United States House
of Representatives,
Appellant,

v.

W. MICHAEL BLUMENTHAL,
Secretary of the Treasury;
J. S. KIMMITT,
Secretary of the United States Senate;
KENNETH R. HARDING,
Sergeant-at-Arms of the United States
House of Representatives,
Appellees.

On Appeal From the United States
District Court
For the District of Columbia

Amicus Curiae Brief of

WE THE PEOPLE

RANDALL L. STAMPER
222 Pacific National Bank of
Washington Building
Spokane, Washington 99201
(509) 838-8601

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WE THE PEOPLE is a Washington State, non-partisan, public interest group organized for the purpose of encouraging and permitting greater citizen participation in the processes of our government.

WE THE PEOPLE address the public policy issues in this case brought by the Honorable Larry Pressler, Congressman of the First District of South Dakota. Appellant challenges the constitutionality of Section 225 of the Postal Revenue and Salary Act of 1967 and Section 204 (a) of the Executive Salary Cost-of-Living Adjustment Act of 1975 as violative of Article I, Sections 1 and 6 of the Constitution. Our challenge is based on the effects this legislation has on the relationship between Congress and the American public.

WE THE PEOPLE addresses itself to the public policy, not legal questions involved in this appeal. The public policy questions involve accountability, code of ethics and historical incomes ratio between Congress and the people.

ARGUMENT

1. Accountability

The voters have a right to hold their Congressmen accountable for salary increases. People have placed Congressmen in a position of trust, a position that demands accountability for their actions to the people they represent. No clearer evasion of that trust can be found than in the recent absences of recorded votes. The practice is deceptive and further undermines the confidence of the voters in their elected government, an action that weakens the very foundation of our nation, a government by the people. The voter is disenfranchised in this instance, because he cannot know how his Congressman would have voted.

The recently enacted Bartlett Amendment does not address the past, but the future. The amendment fails to offer satisfactory redress. It in effect tells Congress that they have been forgiven if they sin no more.

The Constitution mandates that the Senators and Representatives shall ascertain their own compensation. Nowhere do we find language permitting delegation of this responsibility, nor language suggesting that the compensation of Congress shall be intertwined with the salaries of the Judiciary and Executive branches of government.

The timing of the recent salary increase is a further abrogation of accountability. Timing the salary increase immediately following an election is clearly an evasion of accountability, incompatible with an open and honest relationship between Congressmen and the public, which has so recently voted them into office.

2. Ethics

WE THE PEOPLE strenuously disagrees with the concept that Congress is somehow entitled to a pay raise by enacting a Code of Public Conduct for its Members. The American public has an absolute right to expect high ethical standards for its elected officials. Although a Code of Public Conduct is eminently desirable, it should not be premised on some form of monetary ransom. It is as though they were offered over an extra thousand dollars a month just to be honest.

Although President Ford and the Commission on Salaries emphasized that such a Code of Public Conduct was to accompany the salary increases, Congress recently acted on these increases without insisting on an independent special prosecutor to address the scandal of payments by a foreign government to Congressmen. Nor has Congress acted on lobbyists' disclosure, or the covert use of franking, public funds, public rooms and public employees for campaign purposes.

3. Congressional vs. Public Incomes

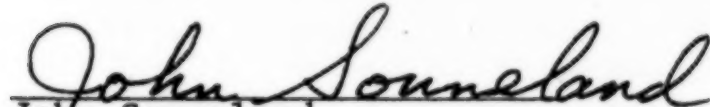
There has been an historical relationship between incomes of Congressmen and the people, a ratio that in the recent instance has been fractured. The ratio between Congressional income and the family income of Americans has been two or three to one. The present increases place the ratio at four to one. Furthermore, in comparing the consumer price index to Congressional salaries, we note that the index has increased 50% since 1969, whereas Congressional salaries have increased 92%.

SUMMARY


Congress is elected by the public. It is entrusted to operate our government, answering directly to the people. The issue of salaries for elected officials is central to the voter's expectation of integrity. At a time of great public concern over ethical conduct of public figures, our Congress should not be bartering a pay raise in exchange for a Code of Public Conduct. Nor should Congress be delegating to a non-elective commission the authority to set Congressional salaries. Accountability is thus abrogated. The voter is disenfranchised by lack of a recorded vote by his Congressman. The recent salary increase occurred immediately following an election, thus further compounding the lack of accountability. The historical ratio between the incomes of the elected public servant and the average family is twisted and distorted.

The Court should recognize the public policy questions of accountability, code of ethics, and historical incomes ratio between Congress and the people, thus agreeing to a full hearing on the merits of the appeal by Congressman Pressler.

Respectfully submitted,


 John Sonneland
 Chairman, on behalf of
 WE THE PEOPLE

DATED this 6th day of October, 1977,
 in Spokane, Washington.


 Randall L. Stamper
 Attorney-at-Law

CERTIFICATE OF SERVICE

I. John Sonneland, hereby certify that I have served this brief of WE THE PEOPLE as amicus curiae on each of the parties by depositing three copies in the United States mail, air mail, postage prepaid, to each of the following:

Cornelius B. Kennedy, Esquire
 Kennedy & Webster
 888 Seventeenth Street, N.W.
 Washington, D. C. 20006
 Counsel for J. S. Kimmitt

Eugene Gressman, Esquire
 1828 L Street, N.W.
 Washington, D. C. 20036
 Counsel for Kenneth L. Harding

The Solicitor General
 United States Department of Justice
 Washington, D. C. 20503
 Counsel for W. Michael Blumenthal

The Honorable Larry Pressler
 1132 Longworth House Office Building
 Washington, D. C. 20515
 Pro Se


 John Sonneland